

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1405

Introduced by Assembly Members De Leon and V. Manuel Perez
(Coauthor: Assembly Member Carter)

February 27, 2009

An act to add Section 38597.4 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1405, as amended, De Leon. California Global Warming Solutions Act of 2006: Community Benefits Fund.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. The act authorizes the state board to include the use of market-based compliance mechanisms. The act authorizes the state board to adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act, and requires the revenues collected pursuant to that fee to be deposited into the Air Pollution

Control Fund and be available, upon appropriation by the Legislature, for purposes of carrying out the act.

This bill would establish the Community Benefits Fund, and would require ~~an unspecified percentage~~ *a minimum of 30%* of revenues generated pursuant to the act, including the fee discussed above, to be deposited into that fund. The moneys in the fund would be used, upon appropriation by the Legislature, in the most impacted and disadvantaged communities in California to accelerate greenhouse gas emission reductions and mitigate direct health impacts of climate change in those communities. The state board would be required to develop a methodology to identify the most impacted and disadvantaged communities. The state board, the State Energy Resources Conservation and Development Commission, and the State Department of Public Health would be required to jointly develop and recommend ~~semiannual~~ *biennial* plans for the use of funds.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 38597.4 is added to the Health and Safety
- 2 Code, to read:
- 3 38597.4. (a) There is hereby established in the State Treasury
- 4 the Community Benefits Fund. ~~_____~~ *A minimum of 30* percent of
- 5 the total revenues generated each year pursuant to this division,
- 6 including, but not limited to, Section 38597, shall be deposited by
- 7 the state board into the Community Benefits Fund. The moneys
- 8 in the fund shall be used, upon appropriation by the Legislature,
- 9 for the purposes described in subdivision (b).
- 10 (b) (1) Funds appropriated by the Legislature from the
- 11 Community Benefits Fund shall be used solely in the most
- 12 impacted and disadvantaged communities in California to
- 13 accelerate greenhouse gas emission reductions and mitigate direct
- 14 health impacts of climate change in those communities. The
- 15 Community Benefits Fund shall be used to provide competitive
- 16 grants for projects, including, but not limited to, any projects that
- 17 do any of the following:
- 18 (A) Reduce greenhouse gas emissions, while achieving
- 19 cobenefits such as reductions in other air pollutants and energy
- 20 efficiency.

1 (B) Minimize health impacts caused by global warming.

2 (C) Assist small businesses to reduce their greenhouse gas
3 emissions.

4 (D) Install or replace equipment that reduces greenhouse gas
5 emissions.

6 (E) Improvements to mass transit that reduce greenhouse gas
7 emissions, including, but not limited to, subsidies to commuters.

8 (F) Clean distributed electricity generation systems that reduce
9 greenhouse gas emissions.

10 (G) Energy efficiency upgrades for schools, senior centers, or
11 low-income housing that reduce greenhouse gas emissions.

12 (H) Emergency preparedness for extreme weather events caused
13 by global warming.

14 (2) The state board shall develop a methodology to identify the
15 most impacted and disadvantaged communities. *The methodology*
16 *shall ensure that the most impacted and disadvantaged*
17 *communities are the areas within each air basin with the highest*
18 *10 percent of air pollution exposure within the basin, taking into*
19 *account socioeconomic factors and the proximity of people to air*
20 *pollution sources.*

21 (3) The state board, the State Energy Resources Conservation
22 and Development Commission, and the State Department of Public
23 Health shall jointly develop ~~semiannual~~ *biennial* plans for the use
24 of funds under this section.

25 (4) Notwithstanding any other provision of this section, projects
26 shall only be funded if the state board determines, based on the
27 facts available to it, that the use of moneys for that project would
28 be consistent with Article XIII A of the California Constitution
29 and case law construing that provision. The state board shall ensure
30 in this regard that no feepayer pays for a disproportionate share of
31 the global warming harm addressed by this section.

32 (c) *Costs incurred to implement the requirements of this section*
33 *may be recovered under the fee authority described in Section*
34 *38597.*